

DECLARATION FOR PATENT APPLICATION

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **DNA SHUFFLING TO PRODUCE HERBICIDE SELECTIVE CROPS**

the specification of which (check one) _____ is attached hereto was filed on **August 12, 1999** as Application Serial No. **09/373,333** and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

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I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Priority Claimed Yes No
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status Patented, Pending, Abandoned
60/096,288	12 August 1998	X
60/111,146	07 December 1998	X
60/112,746	17 December 1998	X

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Send Correspondence to: **Maxygen, Inc.**
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
(650) 298-5300 - (650) 298-5446 (Fax)

=====

Thereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Venkiteswaran Subramanian

Inventor's signature Venkiteswaran Subramanian Date 9/24/99

Residence SAN DIEGO, CALIFORNIA

Citizenship U.S.A.

Post Office Address 3980 Corte Mar De Hierba, San Diego, California 92130

Full name of second inventor Willem P. O. Stemmer

Inventor's signature [Signature] Date 9-28-99

Residence LOS GATOS, CALIFORNIA

Citizenship THE NETHERLANDS

Post Office Address 108 Kathy Court, Los Gatos, California 95030

Full name of third inventor Linda A. Castle

Inventor's signature Linda Castle Date 9/29/99

Residence MOUNTAIN VIEW, CALIFORNIA

Citizenship U.S.A.

Post Office Address 784 Hans Avenue, Mountain View, California 94040

Full name of fourth inventor Umesh S. Muchhal

Inventor's signature [Signature] Date 9/17/99

Residence MOUNTAIN VIEW, CALIFORNIA

Citizenship INDIA

Post Office Address 1600 Villa Street, Apt. 189, Mountain View, California 94041

Full name of fifth inventor Daniel L. Siehl

Inventor's signature Daniel L. Siehl Date 27 SEP 99

Residence MENLO PARK, CALIFORNIA

Citizenship U.S.A.

Post Office Address 310 Durham Street, Menlo Park, California 94025

POWER OF ATTORNEY FOR PATENT APPLICATION

COPY

In re Patent Application of:

Inventor(s): VENKITESWARAN SUBRAMANIAN ET AL.

Title: DNA SHUFFLING TO PRODUCE HERBICIDE SELECTIVE CROPS

Serial No.: 09/373,333

Filed: August 12, 1999

ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

AS ASSIGNEE OF RECORD OF THE ENTIRE INTEREST OF THE ABOVE IDENTIFIED APPLICATION,
HEREBY APPOINT THE FOLLOWING AS MY ATTORNEYS AND AGENTS WITH FULL POWER OF
SUBSTITUTION TO PROSECUTE THIS APPLICATION AND TRANACT ALL BUSINESS IN THE PATENT
OFFICE CONNECTED THEREWITH:

Sharon M. Fujita 38,459 Norman J. Kruse 35,235
Joanne R. Petithory 42,995

Send Correspondence to: Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063

Dated this 29 day of September, 1999

MAXYGEN, INC.

By:

Willem P.C. Stemmer, Ph.D.
Co-Founder & Vice President, R&D

JANUARY 07, 2000



MAXYGEN, INC.
SHARON M. FUJITA
INTELLECTUAL PROPERTY DEPT.
515 GALVESTON DRIVE
REDWOOD CITY, CALIFORNIA 94063

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



101173738A

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/04/1999

REEL/FRAME: 010302/0370
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SUBRAMANIAN, VENKITESWARAN

DOC DATE: 09/24/1999

ASSIGNOR:

STEMMER, WILLEM P.C.

DOC DATE: 09/28/1999

ASSIGNOR:

CASTLE, LINDA A.

DOC DATE: 09/29/1999

ASSIGNOR:

MUCHHAL, UMESH S.

DOC DATE: 09/27/1999

ASSIGNOR:

SIEHL, DANIEL L.

DOC DATE: 09/27/1999

ASSIGNEE:

MAXYGEN, INC.
515 GALVESTON DRIVE
INTELLECTUAL PROPERTY DEPT.
REDWOOD CITY, CALIFORNIA 94063

DOCKETED on/by 1/13/00
Atty. SMF PA
File # 0113-004
Due Date — Ext —
Final Date —

010302/0370 PAGE 2

SERIAL NUMBER: 09373333
PATENT NUMBER:

FILING DATE: 08/12/1999
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10-15-1999



101173738

PATENT
Atty. Docket No. 0113.004
USSN 09/373,333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: V. Subramanian et al.

Serial No.: 09/373,333

Group Art: Unassigned

OCT 4

Filed : August 12, 1999

Examiner: Unassigned

For : DNA SHUFFLING TO PRODUCE HERBICIDE SELECTIVE CROPS

NPO 10.4.99

ASSIGNMENT DOCUMENT COVER LETTER

Box Assignment

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

1. The accompanying assignment covers the patent or application identified above.

No other patents or applications are covered by the assignment.

Other patents and/or applications are covered by the assignment as shown on the attached LIST OF PATENTS AND/OR APPLICATIONS COVERED BY ASSIGNMENT.

NAMES OF PARTY MAKING TRANSFER

2. Name 1: Venkiteswaran Subramanian Name 4: Umesh S. Muchhal
Name 2: Willem P.C. Stemmer Name 5: Daniel L. Siehl
Name 3: Linda A. Castle

IDENTITY OF PARTY TO WHOM TRANSFER IS MADE

3. Transfer is being made to:

MAXYGEN, INC.
Intellectual Property Dept.
515 Galveston Drive
Redwood City, California 94063
United States of America

10/19/1999 DNGUYEN 00000131 500990 09373333

01 FC:581

40.00 CH

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Assignment, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 1 day of Oct , 19 99
By 10/19/99

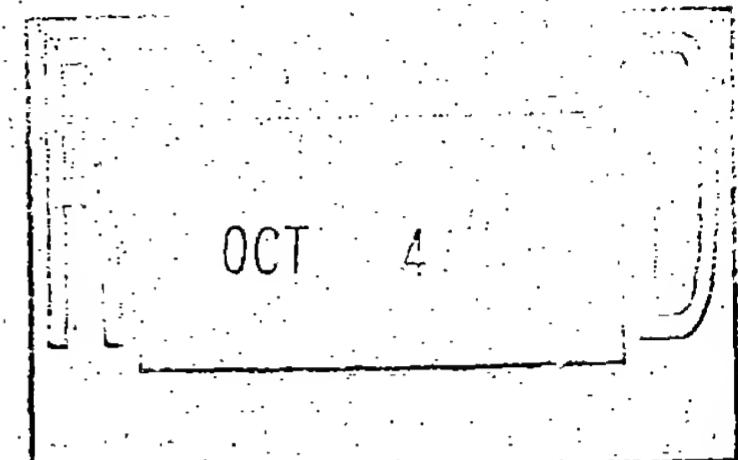
PATENT
Atty. Docket No. 0113.004
USSN 09/373,333

INTENTION OF DOCUMENT

4. The accompanying document is an:

Assignment License
 Security Interest Other

Execution Date: September 24, 27, 28 & 29, 1999



FEE PAYMENT

5. Total fee due \$40.00

6. Charge Deposit Account No. 05-0990 in the sum of \$40.00.

Enclosed is a check for \$40.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 05-0990. THIS IS NOT AN AUTHORIZATION FOR PAYMENT OF ANY ISSUE FEES.

**ADDRESS TO WHICH DOCUMENT SHOULD BE RETURNED AFTER RECORDED
BY PTO**

7. Please return the recorded document to:

Sharon M. Fujita
MAXYGEN, INC.
Intellectual Property Dept.
515 Galveston Drive
Redwood City, California 94063
United States of America

PATENT
Atty. Docket No. 0113.004
USSN 09/373,333

STATEMENT BY THE PARTY

8. I hereby submit that, to the best of my knowledge and belief, the foregoing information contained herein is true and correct and any copy submitted herewith is a true and correct copy of the original document.

Respectfully submitted,

By: 
Sharon M. Fujita
Attorney for Assignee
Reg. No. 38,459

October 1, 1999

MAXYGEN, INC.
Intellectual Property Dept.
515 Galveston Drive
Redwood City, California 94063
(650) 298-5421
(650) 298-5446 (Fax)

Total number of pages comprising cover sheet: 5 (Cover Letter plus Original Assignment)

ASSIGNMENT

WHEREAS, WE, Venkiteswaran Subramanian
Willem P.C. Stemmer
Linda A. Castle

Umesh S. Muchhal
Daniel L. Siehl

hereinafter referred to as **ASSIGNORS**, have invented certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: DNA Shuffling to Produce Herbicide Selective Crops

Date of Execution: September 24, 27, 28, & 29, 1999 Filing Date: August 12, 1999

Serial No: 09/373,333

WHEREAS, MAXYGEN, INC., 515 Galveston Drive, Redwood City, California 94063, a corporation of the State of Delaware, hereinafter referred to as **ASSIGNEE**, is desirous of acquiring the entire right, title and interest in the above invention and application and in any Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN. Be it known that, for and in consideration of the sum of One Dollar (\$1.00) lawful money paid to **ASSIGNORS** by **ASSIGNEE**, receipt of which is hereby acknowledged, **ASSIGNORS** have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said **ASSIGNEE**, and **ASSIGNEE'S** successors and assigns, all right, title and interest in and to the said invention, said application for United States Letters Patent, and any Letters Patent which may hereafter be granted on the same in the United States and all countries throughout the world including any divisions, renewals, continuations in whole or in part, substitutions, conversions (including conversions claiming priority under 35 U.S.C. §119(e)), reissues, prolongations or extensions thereof, the said interest to be held and enjoyed by said **ASSIGNEE** as fully and exclusively as it would have been held and enjoyed by said **ASSIGNORS** had this assignment and transfer not been made, to the full end and term of any Letters Patent.

ASSIGNORS also agree that the U.S. serial number may be entered above by **ASSIGNEE** or its agents upon designation of the serial number by the U.S. Patent and Trademark Office.

ASSIGNORS further agree that they will, without charge to said **ASSIGNEE**, but at **ASSIGNEE'S** expense, cooperate with **ASSIGNEE** in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers,

including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as *ASSIGNEE* lawfully may request, to obtain or maintain Letters Patent for said invention and improvement in any and all countries, and to vest title thereto in said *ASSIGNEE*, or *ASSIGNEE'S* successors and assigns.

IN TESTIMONY WHEREOF, ASSIGNORS have hereunto signed their names to this assignment on the dates indicated below.

DATE 9/24/99

Venkiteswaran Subramanian

Inventor - Venkiteswaran Subramanian

Datum C. Montor

Witnessed

DATE 9-28-99

Inventor - Willem P.C. Stemmer

Diane Deo

Witnessed

DATE 9-29-99

Inventor - Linda A. Castle

Wine Deo

Witnessed

DATE 9/27/99

Inventor - Umesh S. Muchhal

Wine Deo

Witnessed

DATE 27 SEP 99

Inventor - Daniel L. Siehl

Dane Deo

Witnessed